

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

LANDON JOE BLACK,

Defendant.

Case No. CR-23-183-JFH

GOVERNMENT’S OPPOSED MOTION FOR ENTRY OF PROTECTIVE ORDER

The United States of America, by and through its attorneys, Christopher J. Wilson, United States Attorney for the Eastern District of Oklahoma, and Anthony C. Marek, Assistant United States Attorney, with the consent of the defendant, Landon Joe Black, and the defendant’s attorney, respectfully files this motion for entry of a Protective Order. Certain of the discovery materials in the subject case contain sensitive information regarding minors, as well as an ongoing operation. Accordingly, the government respectfully requests that the Court issue the attached Protective Order, and in support thereof, the parties states as follows:

1. On or about October 12, 2023, the defendant was charged by indictment with two counts of production of child pornography, 18 U.S.C. § 2251(a) and (e), one count of advertisement of child pornography, 18 U.S.C. §§ 2251(d) and (e), and one count of possession of child pornography, 18 U.S.C. §§ 2252(a)(4)(B) and (b)(2). The investigation of the defendant involved the defendant’s use of a website dedicated to child pornography, and the users thereof, which are subject to ongoing investigation.

2. Defendant opposes the relief requested in this motion.

3. Discovery materials the government intends to produce pursuant to its discovery obligations under Federal Rule of Criminal Procedure 16 include law enforcement sensitive items related to the ongoing investigation of investigative targets suspected of engaging in online child sexual exploitation. The dissemination of the government's investigative materials, including search warrant affidavits, reports of investigation, witness statements, court orders, and seized electronic data, and the information contained therein, could seriously jeopardize those continuing investigations and reveal sensitive information related to minor victims or witnesses.

4. The government requests that the Protective Order require that the defendant may not disseminate discovery items to anyone other than counsel and members of the defendant's litigation and investigative team. As proposed in the Protective Order, defense counsel and the defendant's litigation team may show and display materials produced in discovery to the defendant, but may not provide a copy of materials produced in discovery to the defendant or third parties to keep and maintain in their possession. Further, defense counsel and the defendant's litigation team shall return materials produced in discovery to the United States Attorney's Office within 10 days upon conclusion of the case before this Court, or, if an appeal is taken, upon completion of such an appeal, or destroy all discovery and certify to the United States Attorney's Office that it has been destroyed.

5. The government requests that all materials produced in discovery, or information contained therein, that are filed with the Court in connection with pre-trial motions, trial, sentencing, or other matter before this Court, be filed under seal and shall remain sealed until otherwise ordered by this Court. This does not entitle either party to seal their filings as a matter of course. The parties would be required to comply in all respects to the relevant local and federal rules of criminal procedure pertaining to the sealing of court documents.

6. The government requests that the Court order that any violation of any term or condition of the Proposed Order by the defendant, the defendant's attorney(s) of record, any member of the defense team, or any attorney for the United States Attorney's Office for the Eastern District of Oklahoma, may be sanctioned by contempt of court, and/or may be subject to monetary or other sanctions as deemed appropriate by this Court.

7. This motion and the proposed Protective Order are submitted for the purpose of ensuring that national law-enforcement-sensitive information contained in discovery materials are not disseminated to third parties, and that the privacy of minor victims and their families is preserved. The requested relief is narrowly tailored to ensure that the confidential information identified in Paragraph 3 will remain protected.

Based on the foregoing, the United States respectfully requests that the Court authorize the proposed Protective Order governing use and disclosure of the protected and sensitive discovery material.

Respectfully submitted,

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s/ Anthony C. Marek
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CERTIFICATE OF SERVICE

I hereby certify that on November 1, 2023, I electronically transmitted the attached documents to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrant:

Jarred Jennings
Counsel for Defendant

s/ Anthony C. Marek
ANTHONY C. MAREK
Assistant United States Attorney